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 ORACLE AMERICA, INC.

Plaintiffs' counsel on signature page

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Michael Katz-Lacabe and Dr. Jennifer
 Golbeck, on behalf of themselves and all others
 similarly situated,

Plaintiffs,

v.

ORACLE AMERICA, INC., a corporation
 organized under the laws of the State of
 Delaware,

Defendants.

Case No. 3-22-cv-04792-RS

**STIPULATION AND ORDER TO
 EXTEND TIME FOR
 DEFENDANT ORACLE
 AMERICA, INC. TO RESPOND TO
 PLAINTIFFS' NON-DISMISSED
 CLAIMS**

Judge: Hon. Richard Seeborg

Date Action Filed: August 19, 2022
 FAC Filed: May 22, 2023
 Trial Date: Not set

Pursuant to Civil Local Rule 6-2(a), Plaintiffs Michael Katz-Lacabe and Dr. Jennifer Golbeck and Defendant Oracle America, Inc., by and through their attorneys of record, stipulate as follows:

WHEREAS, on August 19, 2022, Plaintiffs¹ filed a Complaint against Oracle (ECF No. 1) asserting seven causes of action for: (1) invasion of privacy under California common law; (2) intrusion upon seclusion under California common law; (3) violations of the Unfair Competition Law; (4) Violation of the California Invasion of Privacy Act (“CIPA”); (5) Violation of the federal Wiretap Act; (6) unjust enrichment; and (7) declaratory judgment and equitable relief.

WHEREAS, on April 6, 2023, the Court granted in part and denied in part Oracle’s motion to dismiss the complaint, dismissing Plaintiffs’ claims for intrusion upon seclusion and declaratory judgment (on behalf of the proposed Worldwide and United States classes), the Unfair Competition Law, the federal Wiretap Act, and unjust enrichment (on behalf of all proposed classes) without prejudice and with leave to amend (ECF No. 49);

WHEREAS, Plaintiffs filed their First Amended Complaint (“FAC”) against Oracle on May 22, 2023 asserting nine causes of action, including the following causes of action, which the Court had not previously dismissed: (1) invasion of privacy under California common law; (2) intrusion upon seclusion under California common law; and (3) violation of CIPA (collectively, the “Non-Dismissed Claims”).

WHEREAS, the parties have previously stipulated twice to extend Oracle’s deadline to respond to the FAC (ECF Nos. 50, 52) to June 28, 2023, which the Court approved (ECF No. 53) (Declaration of Whitney O’Byrne (“O’Byrne Decl.”) ¶ 2);

WHEREAS, Oracle intends to file a motion to dismiss Plaintiffs’ FAC as to some of the causes of action asserted in the FAC (O’Byrne Decl. ¶ 3);

WHEREAS, the parties met and conferred on June 21, 2023, and agree that it would conserve judicial and party resources for Oracle to answer all Non-Dismissed claims after the

¹ Plaintiffs filed the original Complaint with Dr. Johnny Ryan. On May 22, 2023, Plaintiffs voluntarily dismissed Dr. Ryan. (ECF No. 56.)

1 Court rules on Oracle's forthcoming motion to dismiss so that it could include in that answer any
 2 additional remaining claims (O'Byrne Decl. ¶ 4);

3 WHEREAS, the extension of time for Oracle to respond to the Non-Dismissed claims will
 4 not alter the date of any event or deadline already fixed by the Court (O'Byrne Decl. ¶ 5);

5 NOW THEREFORE, the parties hereby stipulate and agree, subject to the approval of the
 6 Court, that Oracle's deadline to answer the Non-Dismissed Claims as well as any additional
 7 claims that survive Oracle's motion to dismiss shall be extended to 30 days after the Court's order
 8 on Oracle's motion to dismiss.

9
 10 Dated: June 21, 2023

LIEFF CABRASER HEIMANN &
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11
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19 *Attorneys for Plaintiffs*

Michael Katz-Lacabe and Dr. Jennifer Golbeck

20
 21 Dated: June 21, 2023

MORRISON & FOERSTER LLP

22
 23 By: /s/ Whitney O'Byrne

Whitney O'Byrne

24 *Attorneys for Defendant*

Oracle America, Inc.

ECF ATTESTATION

I, Whitney O'Byrne, am the ECF User whose ID and password are being used to file this
JOINT STIPULATION AND [PROPOSED] ORDER TO EXTEND TIME FOR
DEFENDANT ORACLE AMERICA, INC. TO RESPOND TO PLAINTIFFS' NON-
DISMISSED CLAIMS. In accordance with Civil L.R. 5-1(h)(3), concurrence in and
authorization of the filing of this document has been obtained from Michael W. Sobol, counsel
for Plaintiffs, and I shall maintain records to support this concurrence for subsequent production
for the Court if so ordered or for inspection upon request by a party.

Dated: June 21, 2023

MORRISON & FOERSTER LLP

By: /s/ Whitney O'Byrne

Whitney O'Byrne

***Attorneys for Defendant
Oracle America, Inc.***

ORDER

Pursuant to the parties' stipulation, the Court hereby orders that Oracle's deadline to answer the Non-Dismissed Claims as well as any additional claims that survive Oracle's motion to dismiss shall be extended to 30 days after the Court's order on Oracle's motion to dismiss.

IT IS SO ORDERED.

Dated: June 22, 2023



Honorable Richard Seeborg
United States District Court Judge